

sideration, and instruct us to return the said bill and recommend that the amendments of the Senate be agreed to.

The committee beg leave to submit herewith, a bill to be entitled "An act granting three hundred and twenty acres of land to the Muscogee Indians." This is a small tribe of Indians in Polk county, and the committee recommend that the accompanying bill be passed, that they may be provided with a home.

W. M. NEYLAND,

One of Com. on part of Senate.

A. B. TROWELL,

One of Com. on part of House.

Senator Knox moved to adjourn until to-morrow at 10 o'clock.

Lost.

Senator Burney moved to adjourn until 7 o'clock this evening.

Lost.

Senator Boyd offered the following resolution:

Resolved, That the Secretary of State be, and is hereby required to have printed for the use of the Senate, five hundred copies of the County Court bill, as early as practicable; and also, the captions of the General and Special Laws passed at this session of the Legislature.

Pending which, upon motion of Senator Knox, the Senate adjourned until to-morrow morning at 9 o'clock.

SENATE CHAMBER, }
November 7, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Coppedge made the following report:

Hon. G. W. Jones, President of the Senate :

The Committee on Counties and County Boundaries, to whom was referred a House bill to be entitled "An act to locate the county site of Shelby county, have had the same under consideration. The committee are of opinion that the people of Shelby county have intelligence and patriotism sufficient to settle their own county affairs; we therefore report the bill back to the Senate and recommend that no further action be had thereon.

C. C. COPPEDGE, Chairman.

Senator Stell, Chairman of Committee on State Affairs, reports and recommends the passage of a House bill entitled "An act to incorporate the town of Orange, in the county of Orange, Texas."

Senator Guinn reported as follows:

Hon. G. W. Jones, President of the Senate :

The Finance Committee, to whom was referred the following bills, viz :

A bill making appropriation for the Supreme Court room.

A bill to be entitled "An act making an appropriation for the payment of judgments in favor of heirs and against the State Treasurer, for money paid to him by executors or administrators."

An act authorizing and requiring the State Treasurer to sell the specie now on hand and belonging to the State revenue, for currency, and to apply the proceeds in payment of the debt due the State to the following accounts, viz : "County Tax, Settlement of Successions, and Assessors' Fees." The above bills need not be passed, because the Legislature have made all the necessary provisions in other bills that has passed, that was intended in these bills ; they are returned with the remark that no further action be had upon them.

R. H. GUINN, Chairman.

Senator Stell made the following report:

Hon. G. W. Jones, President of the Senate :

The Committee on State Affairs, to whom was referred an act to provide for the employment of convict labor on works of public utility, have considered the same, and a majority have instructed me to report the same back with the following amendments :

Strike out the word "to," in last line, on 2d page, being in section 5th, and insert "for."

Section 6th, strike out of 3d line "fifty" and insert "twenty," and when so amended, recommend its passage.

J. W. STELL, Chairman.

Senator Braswell made the following report :

Hon. G. W. Jones, President of the Senate :

The Committee on Internal Improvements, having considered the House bill to be entitled "An act to incorporate the Austin, Iron Mountain and El Paso Railroad Company," instruct me to report it back with the accompanying amendments, and recommend their adoption and the passage of the bill.

S. N. BRASWELL, Chairman.

Strike out in the 10th section, and 1st line, the words "It

Senator Stell, Chairman of Committee on State Affairs, reports and recommends the passage of a House bill entitled "An act to incorporate the town of Orange, in the county of Orange, Texas."

Senator Guinn reported as follows:

Hon. G. W. Jones, President of the Senate :

The Finance Committee, to whom was referred the following bills, viz :

A bill making appropriation for the Supreme Court room.

A bill to be entitled "An act making an appropriation for the payment of judgments in favor of heirs and against the State Treasurer, for money paid to him by executors or administrators."

An act authorizing and requiring the State Treasurer to sell the specie now on hand and belonging to the State revenue, for currency, and to apply the proceeds in payment of the debt due the State to the following accounts, viz : "County Tax, Settlement of Successions, and Assessors' Fees." The above bills need not be passed, because the Legislature have made all the necessary provisions in other bills that has passed, that was intended in these bills ; they are returned with the remark that no further action be had upon them.

R. H. GUINN, Chairman.

Senator Stell made the following report:

Hon. G. W. Jones, President of the Senate :

The Committee on State Affairs, to whom was referred an act to provide for the employment of convict labor on works of public utility, have considered the same, and a majority have instructed me to report the same back with the following amendments :

Strike out the word "to," in last line, on 2d page, being in section 5th, and insert "for."

Section 6th, strike out of 3d line "fifty" and insert "twenty," and when so amended, recommend its passage.

J. W. STELL, Chairman.

Senator Braswell made the following report :

Hon. G. W. Jones, President of the Senate :

The Committee on Internal Improvements, having considered the House bill to be entitled "An act to incorporate the Austin, Iron Mountain and El Paso Railroad Company," instruct me to report it back with the accompanying amendments, and recommend their adoption and the passage of the bill.

S. N. BRASWELL, Chairman.

Strike out in the 10th section, and 1st line, the words "It

NAYS—Senators Braswell, Blount, Boyd, Escue, Guinn, Shannon, Shelley, Stell and Yarbro—9.

Senator Selman offered a substitute for the bill, upon the adoption of which, the yeas and nays being called, the Senate refused to adopt by the following vote:

YEAS—Senators Blount, Boyd, Escue, Selman, Shelley and Yarbro—6.

NAYS—Senators Braswell, Brown, Bumpass, Burney, Coppedge, Dalrymple, Guinn, Jowers, Littleton, McDade, Parker, Record, Reed, Saufley, Shannon, Stell, Truitt and Voigt—18.

Question recurring upon the final passage of the bill, upon which, the yeas and nays being called, the bill was passed by the following vote:

YEAS—Senators, Braswell, Boyd, Brown, Bumpass, Burney, Coppedge, Dalrymple, Guinn, Jowers, Littleton, McDade, Parker, Record, Reed, Saufley, Shannon, Stell, Truitt and Voigt—19.

NAYS—Senators Blount, Cooley, Escue, Selman, Shelley and Yarbro—6.

Senator Parker make the following report:

COMMITTEE ROOM, }
Austin, Nov. 7, 1866. }

Hon. Geo. W. Jones, President of the Senate:

The Committee on Enrolled Bills have examined the following acts, viz:

An act supplemental to the modified charter of the Aransas Railroad Company.

An act for the relief of the heirs of James T. White, deceased.

An act to confer the office of Librarian on clerks of the Supreme Court. And

An act amendatory and supplemental to an act to adopt and establish a Penal Code for the State of Texas, and find the same correctly enrolled, properly signed and certified, and have presented the same to the Governor for his approval. Respectfully submitted,

F. J. PARKER, Chairman Committee.

COMMITTEE ROOM, }
November 7, 1866. }

Hon. G. W. Jones, President of the Senate:

The Committee on Enrolled Bills have examined the following, viz:

An act for the relief of the heirs of Reddick P. Jackson, and find the same correctly enrolled and properly certified and signed and have presented the same to the Governor for his approval.

F. J. PARKER, Chairman Committee.

A message was received from the House announcing the passage of the following bills:

Senate bill entitled "An act to authorize and provide for any county, city or town to become a stockholder in, or loan its credit to any company, corporation or association."

Senate bill entitled "An act to authorize Perryman T. Black to construct a bridge across White Oak, in Titus county," with an amendment.

Senate concurred in the amendment.

Senate bill entitled "An act further providing for the introduction of evidence in criminal cases," with an amendment.

Senate bill entitled "An act to incorporate the Georgetown Male and Female Academy," with an amendment.

Senate concurred in the amendment.

House bill entitled "An act to define and declare the rights of persons lately known as slaves and free persons of color."

Joint Resolution for the election of Public Printer.

Joint Resolution appropriating five thousand dollars, to pay the expenses of D. G. Burnet, and O. M. Roberts, Senators to United State Congress."

Referred to Committee on Federal Relations.

House bill entitled "An act to incorporate the Brazos Santiago and Brownsville Railroad Company."

Referred to Committee on Internal Improvements.

House bill for the benefit of Railroad Companies.

Referred to Committee on Internal Improvements.

House bill prescribing the time of holding the District Courts of the several Judicial Districts of this State, and changing the numbers thereof in certain cases.

Senate bill to establish a Criminal Court in the city of Jefferson.

House bill to amend an act entitled "An act to establish a Penal Code, approved August 26th, 1856.

The House has adopted the report of the Committee of Conference on the disagreement of the two Houses on the following bills:

Bill regulating sale of domestic animals, and requiring butchers to report, &c.

Bill regulating public printing.

Bill incorporating the New Braunfels Manufacturing Company.

And has concurred in the Senate amendments to the following bills:

Bill to prescribe the time for holding biennial sessions of the Legislature.

Bill to incorporate the Capital Petroleum Company.

Bill to amend the Penal Code in relation to offences committed against live stock.

And to concurrent resolution fixing time for final adjournment of present Legislature.

Senator Burney moved to reconsider the vote by which the Senate refused to adopt the report of the Joint Committee of Conference upon a bill to establish the salaries of State officers.

Vote reconsidered, and report adopted.

Upon motion of Senator Guinn, rule was suspended, and a bill entitled "An act regulating public schools," was taken up.

Senator Shannon moved to recommit the bill to a select committee of five.

Motion lost.

Upon motion of Senator Shelley, the bill was made the special order for this evening at 7 o'clock.

Upon motion of Senator Guinn, House bill prescribing the time of holding the District Courts of the several Judicial Districts of this State, and changing the numbers thereof, in certain cases, was taken up.

Senator Shelley introduced a bill supplementary to "An act to organize the County Courts, and to define their powers and jurisdiction," approved October 25th, 1866.

Read first time; rule suspended, read second time, and ordered to be engrossed; rule further suspended, read third time and passed.

Senate resumed the consideration of a bill prescribing the time of holding the District Courts of the several Judicial Districts of this State, and changing the numbers thereof in certain cases.

Senator Cooley offered a substitute for the 6th section.

Substitute adopted.

Bill read second time, and passed to a third reading; rule further suspended, read third time by caption and passed.

Upon motion of Senator Foscoe, joint resolution for the election of a Public Printer, was taken up and adopted.

Senator Neyland made the following report:

COMMITTEE ROOM,)
Austin, Nov. 7, 1866.)

Hon. G. W. Jones, President of the Senate:

The Committee on Engrossed Bills have examined and find correctly engrossed:

A bill to be entitled "An act to encourage the manufacture of

iron, and to authorize the employment of convict labor thereon.
Respectfully submitted. W. M. NEYLAND,

Chairman Committee on Engrossed Bills.

Upon motion of Senator Voigt, rule was suspended, and a bill to locate the county site of Shelby county, was taken up, with advance report of Committee on Counties and County Boundaries; and upon motion of Senator Guinn was postponed indefinitely.

Upon motion of Senator Knox, rule was suspended, and a bill to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of San Antonio, passed February 15, 1858, was taken up, read second time, and passed to a third reading; rule further suspended, bill read third time, and passed by the following two-thirds vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Burney, Cooley, Coppedge, Dalrymple, Foscoe, Guinn, Knox, Littleton, Neyland, Parker, Reed, Selman, Shannon, Shelley, Truitt, Voigt and Yarbro—22.

NAYS—None.

Upon motion of Senator Neyland, the bill authorizing the Governor to appoint an agent for the Alabama and Coshatt Indians, with report of Committee of Free Conference, was taken up, and the amendments concurred in by the Senate.

Senator Neyland moved to take up a bill granting three hundred and twenty acres of land to the Muscogee Indians.

Carried.

Bill read first time; rule suspended, bill read second time, and ordered to be engrossed; rule further suspended, bill read third time, and passed.

Upon motion of Senator Guinn, a bill to amend "An act to organize the Supreme Court of the State of Texas," approved May 12th, 1846, was taken up, read second time, and passed to a third reading; rule suspended, bill read third time, and passed.

Upon motion of Senator Boyd, a bill prohibiting the false personation of Justices of the Peace, Sheriffs, Deputy Sheriffs, Coroners or Constables, with substitute recommended by the Judiciary Committee.

Substitute adopted.

Bill read second time, and ordered to be engrossed; rule further suspended, bill read third time, and passed.

Senator Neyland made the following report:

COMMITTEE ROOM, }
 Austin, November 7, 1866. }

To Hon. G. W. Jones, President Senate:

The Committee on Engrossed Bills have examined and find correctly engrossed a bill to be entitled "An act supplementary to an act to organize the County Courts, and to define their powers and jurisdiction," approved October 25, 1866." Respectfully submitted.

W. M. NEYLAND,

Chairman of Committee on Engrossed Bills.

Upon motion of Senator Reed, rule was suspended, and a House bill to amend the charter of the city of Indianola, and enlarging the boundaries of said city, was taken up.

Senator Reed moved to amend as follows:

Strike out of the 4th and 5th lines from the top in the 1st section, the words "approved on the — day of —," and insert, "passed September 1st, 1856."

Amendment made.

Bill read second time, and passed to a third reading.

Rule further suspended, read third time, and passed.

Upon motion of Senator Brown, rule was suspended, and a bill to incorporate Austin, Iron Mountain and El Paso Railroad Company, was taken up, amendments recommended by the Committee on Internal Improvements made.

Upon motion of Senator Stell, the bill was amended by adding the name of John Hancock as one of the incorporators.

Bill as amended read second time, and passed to a third reading.

Rule further suspended, read third time, and passed by the following two-third vote:

YEAS—Senators Braswell, Blount, Brown, Bumpass, Burney, Coppedge, Guinn, Knox, Littleton, McDade, Neyland, Parker, Record, Reed, Saufley, Selman, Shannon, Shelley, Stell, Truitt, Voigt and Yarbrough—22.

NAYS—Senator Foscutt—1.

Senator Foscutt, Chairman of Committee on Education, reported back and recommended the passage of a bill to incorporate the Houston Scientific Institute.

Upon motion of Senator Foscutt, rule suspended, and bill taken up, read second time, and passed to a third reading.

Rule further suspended, read third time, and passed by the following two-third vote:

YEAS—Senators Braswell, Blount, Brown, Bumpass, Burney, Dabrymple, Foscutt, Guinn, Jowers, Knox, Littleton, McDade,

Neyland, Parker, Record, Reed, Saufley, Shannon, Shelley, Stell, Truitt and Voigt—22.

NAYS—None.

House bill to amend an act entitled "An act to establish a Penal Code, approved August 26th, 1856," taken up, read first time.

Rule suspended, read second time, and passed to a third reading.

Rule further suspended, read third time, and passed.

House bill to define and declare the rights of persons lately known as slaves, and free persons of color, taken up, read first time.

Rule suspended, read second time, and passed to a third reading.

Rule further suspended, read third time, and passed.

Senator Record, Chairman of Judiciary Committee, reported back and recommended the passage of a bill to establish a Code of Criminal Procedure for the State of Texas.

Senator Record, Chairman of Judiciary Committee, reported back and recommended the passage of a bill amendatory of an act to adopt and establish a Penal Code, with the following amendments:

In second line of Article 408, strike out the words "or give," and insert the word "or" between "sell" and "barter."

Senator Record, Chairman of Judiciary Committee, reported and recommended the passage of a bill to amend Article 392 of an act to adopt and establish a Penal Code for the State of Texas.

Upon motion of Senator Foscue, rule was suspended, and bill taken up.

Senator Littleton moved to postpone indefinitely.

Motion lost.

Senator Cooley moved to amend as follows:

Strike out the words "sexual intercourse," and insert the word "cohabitation."

Amendment made.

Senator Foscue moved to strike out the word "unmarried" before "man," in last line.

Amendment made.

Senator Stell moved to amend as follows:

Amend 1st section by inserting after the word "the," and before the word "cohabitation," the word "habitual."

Senator Guinn moved to lay the amendment on the table; upon which the yeas and nays being called, the amendment was tabled by the following vote:

YEAS—Senators Braswell, Blount, Bumpass, Burney, Copledge, Fescue, Guinn, Knox, McDade, Reed, Shelley and Fruit—12.

NAYS—Senators Boyd, Brown, Cooley, Jowers, Neyland, Parker, Saufley, Shannon, Stell and Voigt—10.

Senator Guinn moved a call of the House.

Call ordered.

Pending call, Senator Jowers introduced a bill authorizing the removal of the administration of the estate of Jesse Duren from the county of Leon to the county of Houston.

Read first time, rule suspended, bill read second time, and ordered to be engrossed.

Rule further suspended, bill read third time, and passed.

Senator Record made the following report:

Hon. G. W. Jones, President of the Senate:

The Judiciary Committee have had under consideration House bill No. 199, entitled "An act to provide for the publication of the Decisions of the Supreme Court, and the appointment of a reporter therefor," and have instructed me to report the same back to the Senate, and recommend its passage, with the following amendments:

Amend by striking out of section 7, all after the word "that," in the 12th line from the bottom, and insert, "hereafter, only such cases shall be reported as shall be designated by the Supreme Court for publication."

J. K. P. RECORD, Chairman.

Also reports:

COMMITTEE ROOM, }
Nov. 5, 1866. }

Hon. Geo. W. Jones, President of the Senate:

The Judiciary Committee have had under consideration a bill to be entitled "An act to regulate the sale of spirituous liquors in the town of Denton, in Denton county."

The second section of the act leaves it to the qualified electors of the town to determine by ballot, at an election to be held annually for that purpose, whether licenses shall or shall not be granted within the limits of the corporation for the sale of spirituous liquors. This, in the opinion of the Committee, is a grant of legislative power to the people of the town, and for this reason is repugnant to the provisions of section 3, article 3, of the Constitution of the State, which provides that "the legislative powers of the State shall be vested in two distinct branches—the one to be styled the Senate, and the other the House of Rep-

representatives, and both together, 'The Legislature of the State of Texas.'"

In the framing of the Constitution, the people reserved no legislative power to themselves, and, therefore, can exercise none; and the people having transferred the power of making laws to the Legislature, they cannot resume or exercise it, or any portion of it; and in no case whatever can the power be transferred or delegated by the Legislature to any other body or person.

This doctrine is fully sustained by the decisions of the Courts of several, if not all, the States of the Union.

See *Maize vs. the State*, 4th Indiana Rep. 342; *Barstow vs. Hinrod*, 4th Selden, N. Y. Rep. 483; *Bradley vs. Baxter*, 15th Bart., N. Y. Rep. 122; *Parker vs. Commonwealth*, 6th Barr. Pa. Rep. 507; *Rice vs. Foster*, 4th Harr., Del. Rep. 479, and the cases cited in the above.

There is another objection to the bill. All laws, and more especially those that provide for the infliction of punishment for a violation of them, should be fixed and certain, and not dependent upon a contingency for their force and vitality. By the bill in question, what may be the law within the limits of the town of Deaton one year, may not be the law the next year, depending upon the vote of the people at the election. In other words, by the provisions of the bill, the people may change the law at each election they hold under it. It will be seen by this that the vitality and effect of the law—the question whether it is to be enforced in one form or another—is made dependent upon the *will of the people* of the town, expressed at the ballot-box, and not upon the *will of the Legislature*. If the people vote "for the license," then licenses may be granted by the Police Court of the county, under the general law of the State. If they vote "against the license," no liquors can be sold except under a license from the mayor and aldermen, for specific purposes mentioned in the bill, and a different penalty is imposed in the one case from that in the other, and to be collected in a different manner, and before a different tribunal. Thus the people determine by an election what the law is, and not the Legislature.

For these reasons, the Committee have instructed me to report the bill back to the Senate, and recommend that it *do not pass*. Respectfully submitted. J. K. P. RECOND, Chairman.

The House appointed as a new Committee of Conference on Joint Resolution relative to the seizure of certain cotton, Messrs. Trowell, Whitton, Beauchamp, Hume and Stroud.

Upon motion of Senator Shelley, a Committee of Conference

was appointed to take into consideration the disagreement of the two Houses relative to the seizure of certain cotton.

The Chair announced Senators Shelley and Guinn on part of the Senate.

Upon motion of Senator Parker a bill supplemental to "An Act entitled an act to incorporate the Brownsville Bridge Company," approved Sept. 24th, 1866, was taken up, read third time and passed.

Upon motion of Senator Stell, joint resolution relative to the "Alamo Monument," was taken up.

Amendments recommended by the Committee on State Affairs, adopted.

Resolution read second time, and the yeas and nays being called, was ordered to be engrossed by the following vote:

YEAS—Senators Braswell, Blount, Boyd, Bumpass, Burney, Coppedge, Dalrymple, Guinn, Jowers, Knox, Littleton, McDade, Neyland, Parker, Selman, Shannon, Shelly, Stell, Truitt, Voigt and Yarbrow—21.

NAYS—Senators Cooley, Foscue and Saufley—3.

Rule suspended, read third time and passed.

Upon motion of Senator Blount, the report of the Committee of Free Conference upon a bill relating to the sale, alienation, &c., of animals, and requiring butchers to report all animals slaughtered, &c., was taken up and adopted.

Upon motion of Senator Shelley the call of the House was suspended.

Senate resumed the consideration of a bill to amend Article 392, of "An Act to adopt and establish a Penal Code for the State of Texas."

Senator Shelley moved to amend as follows:

Strike out all after the word "dollar," and insert "the word fornication, as used in this article, is defined to be the living together of an unmarried man and an unmarried woman in a state of cohabitation."

Pending the amendment, upon motion of Senator Dalrymple, the Senate adjourned until 7 o'clock this evening.

SENATE CHAMBER, }
7 p. m., Nov. 7th, 1866. }

Senate met pursuant to adjournment.

Roll called—quorum present.

Question pending at the last adjournment was the amendment

offered by Senator Shelley, to a bill to amend Article 392, of "An Act to adopt and establish a penal code for the State of Texas."

Senator Guinn made the following report :

To the President of the Senate :

The Committee on Finance, to whom was referred a joint resolution proposing an amendment to the Constitution of the State of Texas, have maturely considered the same, and instruct me to report the accompanying substitute for said resolution, and recommend its adoption and passage.

R. H. GUINN, Chairman.

Senator Shelley introduced a bill for the relief of Wm. A. Smith.

Read first time and referred to Committee on State Affairs.

Senator Neyland made the following report :

COMMITTEE ROOM, }
Austin, Nov. 7, 1866. }

Hon. G. W. Jones, President of the Senate :

The Committee on Engrossed Bills have examined and find correctly engrossed a bill to be entitled "An Act granting three hundred and twenty acres of land to the Muscogee Indians," and a bill to be entitled "An Act prohibiting the false personation of justices of the peace, sheriffs, deputy sheriffs, coroners, constables or other judicial or ministerial officers."

Respectfully submitted,

W. M. NEYLAND,

Chairman Committee on Engrossed Bills.

Senator Cook introduced a bill to amend Article 743, Chapter VIII, Title XX, of "An Act to adopt and establish a Penal Code," approved August 26. 1856.

On motion of Senator Cook, rule was suspended, bill taken up, read second time and ordered to be engrossed ; rule further suspended, bill read third time and passed.

Senator Voigt introduced a bill for the relief of the heirs of Henry Roberts, deceased.

Read first time, rule suspended, bill read second time and passed to a third reading ; rule further suspended, bill read third time and passed, by the following two-third vote :

YEAS—Senators Braswell, Blount, Brown, Bumpass, Cooley, Coppedge, Dalrymple, Knox, Littleton, McDade, Neyland, Parker, Reed, Shannon, Shelley, Stell, Truitt, Voigt and Yarbro—19.

NAYS—Senators Cook, Foscue and Guinn—3.

A message was received from the House, announcing the passage of the following bills :

Senate bill to amend an act entitled an act to establish a Penal Code, approved August 26th, 1856.

Senate bill to authorize and require the holding of a special term of the District Court of Bastrop county.

Senate bill for the relief of persons who settled on public lands prior to the 1st day of January, 1861.

Senate bill supplemental to an act entitled an act to require the Judge of the 14th Judicial District to hold a special term of the District Court of Bexar county, approved November 1st, 1866.

Senate bill to establish a criminal court in the city of San Antonio.

Senate bill to incorporate the Fredericksburg Action Mill Company.

Senate bill to amend Article 507, Chapter IV of an act, entitled an act to adopt and establish a Code of Criminal Procedure, approved August 26th, 1856.

Senate bill for the relief of Mrs. Mary Benton, with an amendment by the House.

Senate bill to provide for the employment of convicts for petty offences, with an amendment by the House.

House bill to incorporate the Real and Personal Estate and Building Company, of Galveston.

House bill to provide means for the protection of the frontier.

House bill to incorporate the Powderhorn Bayou Dredging Company.

The message also announced that House had adopted the report of the Committee of Conference, on the disagreement of the two Houses, on a bill authorizing the Governor to appoint an agent for the Alabama and other Indians.

The hour having arrived for the consideration of the special order, viz :

A bill regulating Public Schools,

Bill read second time and passed to a third reading.

Senator Cook moved to amend as follows :

Add to the end of section 6 :

“And the amount so paid over shall be apportioned among the white children of scholastic age, who shall attend the schools herein provided in the following manner :

First. To pay the tuition of all children whose parents or guardians are unable to pay the same ; of orphans, whose tuition has not been paid, and of the children of widows who have no greater amount of property than is secured by the Constitution and laws from forced sale. After paying as aforesaid the tuition

of the foregoing classes of children, the balance of the fund shall be appropriated among the paying patrons of the school, in a just proportion, without regard to what may have been paid by them to the teacher."

Lost.

Bill read third time and passed.

Senator Shelley made the following report :

COMMITTEE ROOM,
Nov. 7th, 1866. }

To the President of the Senate and Speaker of the House of Representatives :

The Committee of Conference, on the matter of disagreement between the two Houses, upon joint resolutions from the House entitled "Joint Resolutions authorizing the Governor to investigate the seizure of cotton belonging to the State of Texas, by the Federal authorities," have considered the subject upon which there has been such persistent disagreement between the two Houses ; and in order that something may be done to secure to the State the value of the cotton which was so improperly seized, the committee have instructed us to recommend that the Senate recede from its amendments to the House resolutions.

Respectfully,

N. G. SHELLEY,
Chairman on part of the Senate.
A. B. TROWELL,
Chairman on part of the House.

Adopted.

Upon motion of Senator Guinn, a bill regulating appeals from Justices' Courts, was taken up, read second time, and passed to a third reading ; rule suspended, read third time and passed.

Upon motion of Senator Shannon, a bill donating 640 acres of land to disabled soldiers, widows and orphan children of deceased Confederate soldiers, was taken up.

Senator Guinn offered a substitute for the bill, upon which, the yeas and nays being ordered, the Senate refused to adopt by the following vote :

YEAS—Senators Braswell, Brown, Cooley, Coppedge, Foscue, Guinn, Neyland and Truitt—8.

NAYS—Senators Blount, Boyd, Bumpass, Cook, Knox, Littleton, McDade, Reed, Saufley, Shannon, Shelley, Stell, Voigt and Yarbrow—14.

Senator Shannon moved to strike out the words "for the period of one year."

Amendment made.

Senator Knox moved to strike out 640 acres, and insert 1476 acres, upon which the yeas and nays being called, the amendment was lost by the following vote :

YEAS—Senators Brown, Bumpass, Cooley, Foscue, Knox, Neyland and Stell—7.

NAYS—Senators Braswell, Blount, Boyd, Cook, Coppedge, Guinn, Littleton, McDade, Parker, Reed, Saufley, Shannon, Shelley, Truitt, Voigt and Yarbrow—16.

Question recurring upon the passage of the bill to a third reading, upon which the yeas and nays being called, the bill was passed to a third reading by the following vote :

YEAS—Senators Braswell, Blount, Boyd, Cook, Coppedge, Littleton, McDade, Neyland, Reed, Saufley, Shannon and Stell—12.

NAYS—Senators Brown, Bumpass, Cooley, Foscue, Guinn, Knox, Shelley, Truitt, Voigt and Yarbrow—10.

Upon motion of Senator Foscue, a bill to authorize the Governor to sell certain property, was taken up.

Substitute recommended by the Committee on State Affairs, adopted.

Bill read second time and ordered to be engrossed ; rule suspended, read third time and passed.

Upon motion of Senator Guinn, a bill to ascertain the amount of, adjusting and funding the State debt, was taken up, and the amendments by the House concurred in.

Upon motion of Senator Stell, a bill to provide for a Superintendent of Public Instruction, was taken up.

Senator Guinn moved to strike out the words "five hundred."

Amendment made.

Question recurring upon the engrossment of the bill, and the yeas and nays being called, the Senate refused to engross the bill by the following vote :

YEAS—Senators Boyd, Brown, Coppedge, Foscue, Knox, Littleton, McDade, Saufley, Shelley, Stell and Yarbrow—11.

NAYS—Senators Braswell, Blount, Bumpass, Cooley, Guinn, Neyland, Parker, Reed, Shannon, Truitt and Voigt—11.

Upon motion of Senator Shelley, a bill to authorize the Board of Managers of the Lunatic Asylum to purchase from David L. Cross certain land therein named, for the use of said Institution, for the benefit of insane negroes, was taken up; amendments recommended by the Committee on Finance adopted.

Bill read second time and ordered to be engrossed ; rule suspended, read third time and passed.

Upon motion of Senator Saufley, a bill to provide for the employment of convicts for petty offences, was taken up.

Amendments by the House concurred in.

Senator Cooley moved to adjourn until to-morrow morning 9½ o'clock.

Lost.

Upon motion of Senator Shelley, a bill to extend the limits of Blanco county, and to define the line between Blanco and Burnet counties was taken up.

Senator Shelley moved to amend as follows :

Provided, That nothing herein shall interfere with the location of the county sites of Blanco or Burnett counties.

Pending which, upon motion of Senator Littleton, the Senate adjourned until to-morrow morning, 9½ o'clock.

SENATE CHAMBER, }
Nov. 8, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Record made the following report :

Hon. Geo. W. Jones, President of the Senate :

The Judiciary Committee, to whom was referred a bill to be entitled "An act supplemental to and amendatory of an act to adopt and establish a Penal Code for the State of Texas," approved August 28th, 1856, have instructed me to report the same back and recommend that no further action be taken upon it, because the subject matter of the bill is embraced in the Senate amendments to the House bill recommended by this committee.

J. K. P. RECORD, Chairman.

Also reports :

Hon. G. W. Jones President of the Senate :

The Judiciary Committee have had under consideration a House bill to be entitled "An act supplemental to and amendatory of an act to establish a Penal Code for the State of Texas," and have instructed me to report the same back to the Senate and recommend its passage with the following amendments :

In article 386, lines 4 and 5, strike out "white person" and insert "ancestor."

Strike out "Art. 398a" and insert "Art. 398a. A disorderly